

**Amendments to the Drawings:**

The drawing sheet or sheets attached in connection with the above-identified application containing Figure 3 is being presented as a replacement sheet for the previously submitted drawing sheet 3. The drawing figure 3 has been amended to change the second occurrence of reference numeral 28 to 29, as taught in the specification as filed at page 7, line 15.

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-8 ,11-12, and 14-15 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-17 are now pending in this application.

**Objections To The Drawings**

The Office Action objected to the Drawings. Figure 3 has been amended to overcome the objections. Reconsideration is respectfully requested.

**Objections To The Abstract**

The Office Action objected to the Abstract. A replacement Abstract is attached on a separate page. Reconsideration is respectfully requested.

**Objections To The Disclosure**

The Office Action objected to the Disclosure. The Disclosure has been amended to overcome the objections. The amendment to the specification at paragraph 0007 uses language similar to the language of original claim 1 and language similar to the language of original claims 7 and 8. Paragraph 0027 is amended to refer to the correct figure. As such, it is believed that no new matter is added. Reconsideration is respectfully requested.

**Objections To The Claims**

The claims have been amended to address the objections and any other minor informalities. No amendments have been made for reasons related to patentability. Reconsideration of the objections is respectfully requested.

**Rejection Of Claims 1-8 and 12-16 over Baumann or Baumann In View Of Blaha and/or Brinkmann.**

The Office Action rejected claims 1-8 and 12-16 under 35 U.S.C. § 102(b) over U.S. Pat. No. 5,657,158 (“Baumann”), claim 17 under 35 U.S.C. § 103(a) over Baumann, claims 9-10 under 35 U.S.C. § 103(a) over Bauman in view of U.S. Pat. No. 4,175,826 (“Blaha”), and claim 11 under 35 U.S.C. § 103(a) over Bauman in view of Blaha in further view of WO 03/003099 (“Brinkmann”). The rejections are respectfully submitted to be improper and reconsideration is requested.

Applicants respectfully submit that Baumann does not anticipate claim 1, because not all subject matter of claim 1 is taught by Baumann. Claim 1 recites a tube having a deflection mirror provided behind the objective optical path, when viewed from the user’s position. This is shown, for example, in Fig. 2 of the present application, where from the user’s perspective (from the right side of the Figure), the deflection mirror 18 is behind line 5.

The Office Action cites to Baumann Figure 2 as teaching this subject matter. In Baumann, however, the user’s perspective is from viewing unit 12 (*see* Baumann, col. 3, ll. 24-25). The deflecting mirror 20 is thus in front of the objective path 22 as viewed from the user’s perspective. Note that reference numeral 22 is used twice in Baumann, once to refer to the objective axis (Baumann, col. 3, ll. 1-2.) and once to refer to the double arrow (Baumann, col. 3, l. 28).

Thus, Baumann does not teach all elements of claim 1. Claims 2-17 depend ultimately from claim 1, and are patentable for at least the same reasons.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/2/2008  
FOLEY & LARDNER LLP      <sup>Tuesday</sup>  
Customer Number: 22428      <sup>after</sup>  
Telephone: (202) 672-5426      <sup>labor day</sup>  
Facsimile: (202) 672-5399

By 

Matthew A. Smith  
Attorney for Applicant  
Registration No. 49,003